

Remarks

Claims 1, 3, 6-9, 12, 14, 16-20, 22, 25-29, 31-33 and 35-38 stand finally rejected as having been anticipated by Vayda et al. U.S. patent No. 5,745,717, and Claims 11, 13 and 30 stand finally rejected as having been obvious, to one of ordinary skill in the art, over the patent to Vayda et al. in view of Kinawi et al. U.S. patent No. 6,545,669. It is again respectfully submitted that the rejections are without merit.

The Examiner's position relies fundamentally and essentially upon a misconstruction of the word "inherent," as used the explanatory comments set forth in the paragraph bridging pages 4 and 5 of Applicant's previous Response. As a result, the Examiner had persisted in asserting conclusions as to patentability that are clearly in error; the paragraph in question reads:

By way of further example, if the desired symbol were to lie due East of the center of the display, then movement in a West-East direction would select the desired symbol, even if that bearing were to be *displaced to the North or to the South* of the line joining the central region to the desired symbol. The tolerance that is inherent in such latitude of movement affords considerable flexibility to the user; obviously, it is easier and more convenient to trace a line in a given direction (i.e., a line having a given bearing) than it is to necessarily contact small discrete regions on the surface of a display. It is emphasized that, in accordance with the instant claims, it is the bearing that is important, and not impingement with any particular part of the display.

The Examiner has failed to appreciate that the tolerance referred to in the foregoing passage *is not the same* as the tolerance recited in the independent claims of the application.

More particularly, the reference to "tolerance" in Claims 1 and 20 obviously means the *angular* tolerance that modifies (in the language of the claims) the "substantially parallel" relationship of the predetermined bearing "to a direction of the desired symbol," as "determined by the *angular* separation of adjacent symbols."

Such angular tolerance corresponds to movement *generally* in, for example, a West-East direction; i.e., the predetermined bearing need not be truly parallel to a line between the symbol and the central region..

On the other hand, the tolerance referred to in the quoted explanatory paragraph is that which allows a *North-South* displacement of a predetermined *bearing* of movement that extends, for example, in a generally West-East direction. Such a displacement tolerance is nowhere -- and in no manner -- foreshadowed in the art. In the absence of any teaching of or suggestion for this essential feature, no claim of the instant application can properly be deemed to have been anticipated or to be obvious.

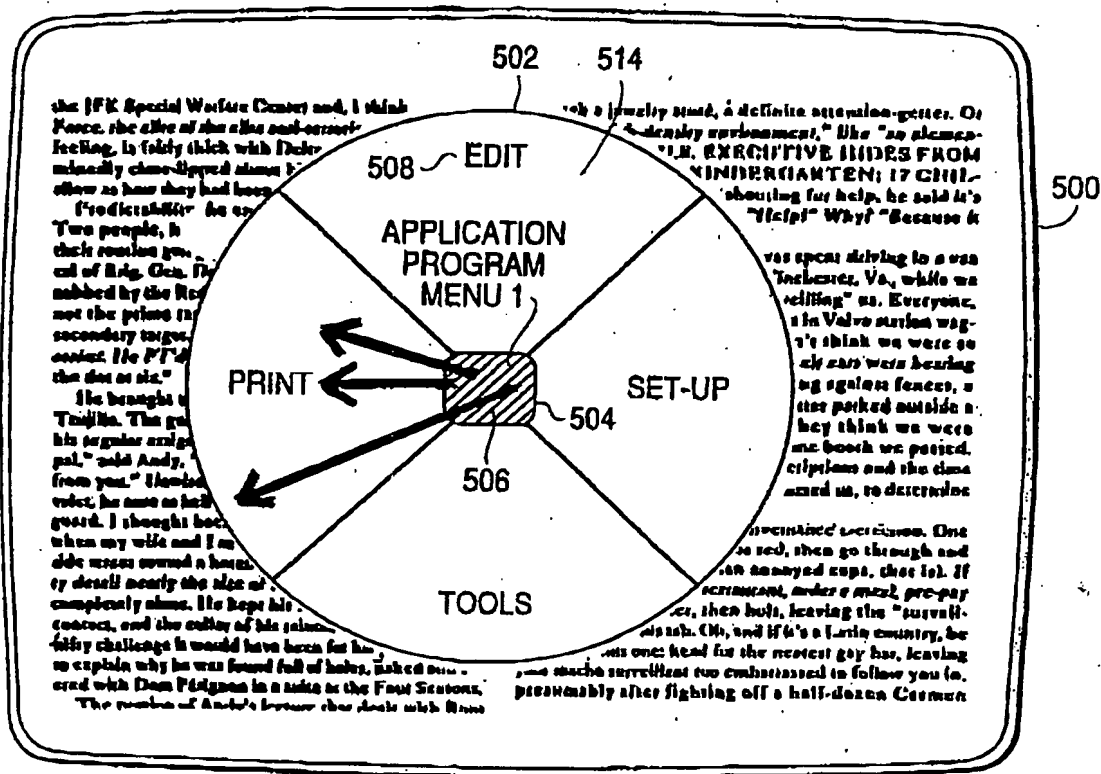
On page 2 of the Office Action, the Examiner notes "...inherent tolerance or offset being not connected to any structural differences and by itself does not require the exercise of inventive skill and therefore is not patentable." This comment is gratuitous, and is not relevant to the invention claimed here.

As explained hereinabove (and elaborated upon hereinafter), the tolerance that is inherent in, and that results from, the ability to displace the predetermined bearing is unique to Applicant's invention. That tolerance is inherently afforded *only* because the present invention uniquely enables the use of an offset bearing rather than requiring a direct-line relationship.

The provision of such an offset bearing feature, per se, is most certainly not inherent. And contrary to the Examiner's implicit contention, it clearly does represent an inventive structural feature of Applicant's system, and a novel and fundamental feature of Applicant's method.

Set forth hereinafter is an illustration, based on Figure 5 of the Vayda et al. patent, graphically showing the directional movements and tolerances that are involved with the reference when selecting the "PRINT" option. It must be noted that, in accordance with the teaching of the Veyda et al., *all of the movements commence in region 506* (see, for example, column 7, lines 26-34).

FIG. 5

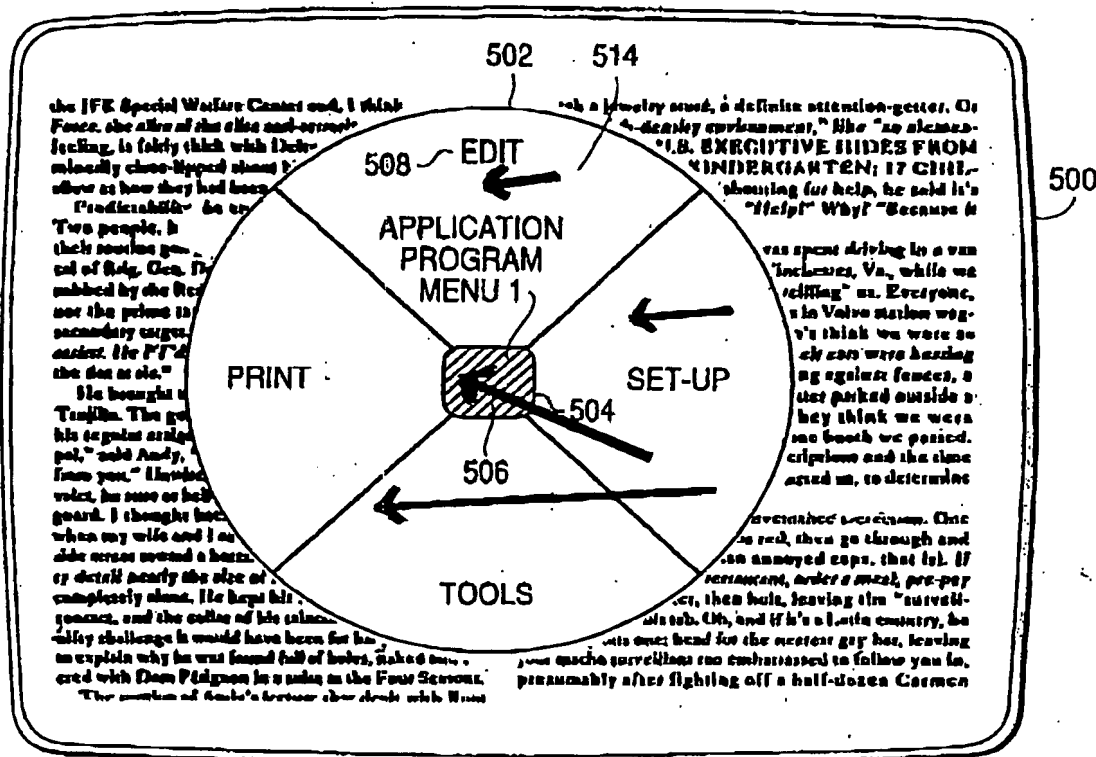


Movements according to Vayda

In contrast to Vayda et al., the following illustration, which is again based on Figure 5 of the patent, shows the different directional movements and tolerances that are

involved with the system and method of Claims 1 and 20 of the present application when selecting the "PRINT" option:

FIG. 5



Movement according to claims 1 and 20

The essential difference is of course that while, in accordance with the teaching of Vayda et al., movement must begin from within the region 506, the system and method of instant Claims 1 and 20 permit movement to begin almost anywhere within the region 502. This gives rise to a tolerance, inherent from the use of movement along a bearing rather than from a predetermined point (as explained at length hereinabove), that is far greater than any tolerance that may be afforded by Vayda et al.

The claims of the instant application define an invention that is novel and nonobvious over the patent to Veyda et al., and the fundamental deficiencies of that reference are obviously not cured by the secondary reference to Kinawi, et al. Withdrawal of the rejections, and passage of the application to allowance, are believed to be clearly in order. Such actions are earnestly solicited.

Respectfully Submitted,
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By 

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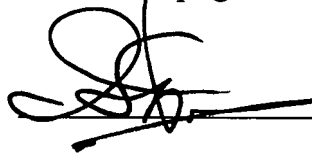
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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as set forth on the first page hereof, on May 4, 2007.



cc: Derek C. Jackson, Esq.

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